

SUBCOMMITTEE ON LABOR, HEALTH & HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Fiscal Year 2010 Member Project Request Guide

Member Request deadline is COB, April 3, 2009

All earmarked projects must meet eligibility requirements for a specific program in which earmarking is done. Only certain programs in the Labor-HHS-Education bill are normally earmarked. Please follow the links below for agency specific guidance and a list and description of these programs:

- [Department of Labor](#)
- [Department of Health and Human Services](#)
- [Department of Education](#)
- [Institute for Museum and Library Services](#)

General guidance on submitting requests can be found below:

- ❑ No requests will be considered unless they are **documented in a letter signed by the Member and entered electronically into the House Appropriations Committee's electronic database** at <http://membersrequests.approps.house.gov>.
- ❑ For the online submission of requests, please follow these instructions:
 - All requests – **projects, programmatic, and report language** - must be entered into the online database. Request forms must match the signed Member letter.
 - Each office is responsible only for their requests and one office **cannot** enter requests into the database for another office.
 - ALL earmark requests must be for fiscal year 2010 funds only and must not include multi-year funding requests.
 - It is important that you include accurate contact information for the prospective grantee when filling out the online request. **The grantee name entered into the online database must match the grantee name on the signed disclosure of financial interest certification letter.**
- ❑ Each Member must provide a **single signed letter** including a list of all project requests, program requests, and report language requests. This letter should be converted to a PDF and uploaded to the online database.
 - The letter must include a bill-wide priority ranking of all project requests. This ranking must be consistent with what is included in the online submission.

- Please only include information in the letter necessary to identify the request. All other details will be included with the online submission.
- **Do not provide the Subcommittee hard copies of the signed letter, the individual project certification letters, or project request forms.**
- ❑ If a Member signs a multi-Member or delegation request letter, that request **must be entered into the online database and included in the Member's signed letter to be considered.** This requirement applies to project, program, and report language requests.
- ❑ **New Requirement—Posting Requests Online:** To offer more opportunity for public scrutiny of Member project requests, Members must post information on the project requests they have submitted to the Appropriations Committee on their office House website at the time the request is made. The Appropriations Committee will consider funding only those requests that have been so posted. The website must contain the proposed recipient and address of the recipient, the amount of the request, and an explanation of the request, including the purpose and why it is a valuable use of taxpayer funds.
- ❑ In order to help your office identify a project request versus a programmatic request, the Labor-HHS-Education Subcommittee provides the following guidance:

Project Request - Example: *Provide \$500,000 for an after school program at School District in City, State.*

Program Request - Example: *Provide \$5,000,000,000 for the National Cancer Institute.*

Language Request - (Language that does not direct funding to a particular entity but encourages, urges, or directs some type of action by an agency)- Example: *The Department is encouraged to study the impact of the availability of student loans on increases in enrollment rates.*

- If the programmatic or report language request is intended to be for a specific non-governmental entity and is not to be a competitive award, or narrowly defines a competitive grant to the extent that only one entity or geographic area can apply, **this is a project request.** All project requests require the appropriate form be submitted, the necessary certification filed, and the request must be included on your Member's project priority list.
- If your office continues to have any doubt about whether or not a programmatic or report language request will be considered a project request, please integrate language into your request that states that funding should be awarded on a competitive basis.
- ❑ Each request for an earmarked project requires a signed certification letter stating that neither the Member nor their spouse has a financial interest in the designated entity to receive funding. This certification letter is generated through the electronic online

database, and will be printed, and made available for public review by the Committee once the Labor-HHS-Education bill is filed, prior to House floor consideration.

– **The House Rules define an earmark that requires this certification as:**

a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

- ❑ Subcommittee staff is available for consultation if you have read this document thoroughly and remain uncertain whether a proposed project would be eligible for an earmark.
- ❑ If the Subcommittee staff contacts your office about changing the account in which the request is being made, **please make the change within 24 hours to ensure the appropriate account is designated.**
- ❑ In previous years, the Labor-HHS-Education bill has provided funds for several programs that directed funding to specific entities for nationally authorized activities. These requests must also be entered into the online database, be included in the Member's signed letter, and be accompanied by a disclosure of financial interest certification letter. A list of these activities can be found here: [National Projects](#)

DEPARTMENT OF LABOR

The Labor-HHS-Education Subcommittee frequently receives requests for project earmarks to construct or renovate buildings. Health facilities are the only types of construction projects normally eligible for earmarked funding in the Labor-HHS-Education bill.

Employment and Training Administration

The Workforce Investment Act demonstration program is the only Labor Department program earmarked by the Subcommittee. Earmarked projects are designated under Pilots, Demonstrations and Research within the Training and Employment Services account.

These projects must meet all statutorily mandated requirements, except that they are exempt from the requirement to compete. These requirements are that 1) projects must include direct services to individuals to enhance employment opportunities, 2) evidence of a linkage with the local workforce investment system must be demonstrated, and 3) an evaluation component must be included. Equipment purchases may only be included within earmarked projects as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals. Funding for construction or renovation of facilities is not authorized.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Labor-HHS-Education Subcommittee frequently receives requests for project earmarks to construct or renovate buildings. Health facilities are the only types of construction projects normally eligible for earmarked funding in the Labor-HHS-Education bill.

Note that Congress does not earmark the National Institutes of Health or the Agency for Healthcare Research and Quality.

Health Resources and Services Administration (HRSA)

The Subcommittee has normally provided Member project earmarks ONLY in the categories listed below. *Requests that do not fit into one of these categories are unlikely to be eligible for earmarked funding under HRSA.*

Health Facilities Construction and Equipment—grants to help with the cost of construction, renovation, and/or capital equipment for facilities for provision of health, mental health, and substance abuse services, training of health professionals, or medical research. Examples of eligible facilities include: hospitals; health centers and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing or other health professions; and medical research laboratories.

In addition to construction and renovation, grants can be used to acquire capital equipment, such as lab equipment or x-ray machines. Equipment-only grants—that is, grants not involving construction—are permissible (and commonly done). Generally, any equipment having a useful life of more than one year and a unit cost of at least \$5,000 will be eligible as capital equipment. In addition, equipment with lower costs may also be eligible, provided that it is treated as an item of capital expense under the recipient institution's pre-existing, written accounting policies. The costs of expendable supplies such as pharmaceuticals, lab chemicals, or office paper are *not* eligible. Equipment expenses for health information systems and electronic medical records systems *are* permitted expenditures.

HRSA Health Facilities grants *cannot* be used to acquire land or purchase existing buildings, or to pay salaries or other operating costs. With limited exceptions, they cannot be used to pay for work previously done. Grants can be used for architectural and engineering costs associated with an eligible construction project, but cannot be used for general feasibility studies.

Health Professions Education and Workforce Development—grants for projects to improve education and training of health care professionals, or to analyze health workforce trends and needs.

Rural Health Outreach—grants for projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services, health promotion and education, chronic disease management, and improvements to emergency medical services. Grant funds can only be used for services in areas that meet HRSA’s definition of rural. For lists of eligible areas and further information regarding that definition, see <http://ruralhealth.hrsa.gov/funding/eligibilitytestv2.asp>.

Rural Health Research—grants to support research on rural health problems and ways of improving health care in rural areas.

Telehealth and Health Information Technology—funding for telemedicine, distance learning, or use of information technology to improve health care.

Centers for Disease Control and Prevention (CDC)

Earmarks done under this heading should fit within one of the public health mission areas of CDC, such as support for public health departments and functions, education and outreach related to prevention and control of chronic diseases, response and preparedness for bioterrorism and other public health emergencies, immunization, or projects in environmental or occupational health. Funds cannot support biomedical research (clinical trials, genetic efforts, and medical interventions).

CDC grant funds cannot be used for construction or procurement of furnishings and vehicles. With the limited exceptions provided below, CDC grant funds cannot be used to support medical, clinical and primary care services, or screening or diagnostic testing. Furthermore, funds cannot support the payment for professional staff to perform these services. *Authorized exceptions: (1) Breast and Cervical Cancer Early Detection Program; (2) Colorectal Cancer Demonstration Project; (3) Vision Health and Glaucoma; (4) World Trade Center medical monitoring and screening; (5) Some HIV screening (for those for whom it is recommended, e.g. sexually active women under 26 years of age); (6) Some TB Screening, e.g. TB screening for close contacts of persons with active disease; (7) STD Screening; (8) Hepatitis C Screening; (9) WISEWOMAN: blood pressure, cholesterol, and diabetes screenings for underinsured or uninsured women 40 to 64 years of age.*

Substance Abuse and Mental Health Services Administration (SAMHSA)

Earmarks within SAMHSA can be used for mental health or substance abuse treatment services or for substance abuse prevention programs. Funds *cannot* be used for construction (other than a limited amount of renovation necessary to carry out a funded project).

Centers for Medicare and Medicaid Services (CMS)—Program Management

Under CMS, earmarks are done *only* for research and demonstration projects. Funded projects should relate to one of the missions of CMS, such as improving health care and access to health care for seniors, people with disabilities, and low-income and uninsured individuals and families.

CMS research and demonstration funds *cannot* be used for construction, or for clinical or other biomedical research.

Administration for Children and Families

Child Abuse Prevention and Treatment—grants for research, demonstration projects, information dissemination, and technical assistance related to the prevention, identification, and treatment of child abuse or neglect. Funds *cannot* be used for construction, or for services (such as primary health care) not related to child abuse prevention or treatment.

Social Services Research and Demonstration—grants for research or for demonstration projects relating to subjects such as family violence prevention, child welfare, teen pregnancy reduction, abstinence education, strengthening of families, and facilitating transition from welfare to work. On a limited basis, funding can be provided for developmental disability services. Funds *cannot* be used for construction.

Administration on Aging

The *only* AOA program in which earmarks are provided is aging research, demonstrations, and training. Fundable activities include demonstration of new methods and practices to improve the quality and effectiveness of programs and services, evaluation of existing programs and services, applied social research, and training programs for workers in the field of aging.

To be eligible, proposed demonstration projects should involve new, innovative approaches and include an evaluation component. *Projects that merely continue or expand ongoing services are generally not eligible, unless something new or innovative is being demonstrated.* Funds *cannot* be used for medical care, institutional care, income maintenance, scientific or medical research, construction, or equipment purchases (except for equipment necessary to carry out an otherwise eligible project).

For AOA earmarks, *matching funding (in cash or in kind) is required*, equal to at least 25 percent of the total project cost and the grantee must be a non-profit.

Office of the Secretary—General Departmental Management

Office of Minority Health and Office on Women's Health—earmarks are done for projects aimed at reducing health disparities and improving the health status of minorities and

women. Examples of projects usually eligible include health education and outreach, training for health professionals, and health services research. Funds *cannot* be used for medical treatment or other clinical services, for clinical or other biomedical research, or for construction.

DEPARTMENT OF EDUCATION

The Labor-HHS-Education Subcommittee frequently receives requests for project earmarks to construct or renovate buildings. Health facilities are the only types of construction projects normally eligible for earmarked funding in the Labor-HHS-Education bill.

Elementary and Secondary Education

Fund for the Improvement of Education (FIE). Nearly all elementary and secondary education earmarks are designated under the Fund for the Improvement of Education, which authorizes most activities conducted by school districts. Some exceptions include the construction/renovation/wiring of school buildings, which are not eligible activities under FIE. Daycare and childcare projects that do not include educational services are also not eligible.

Examples of the types of activities that can be funded under FIE include instructional services, after school centers, curricula development, teacher training, acquisition of books and computers, arts education, and early childhood education. In general, the focus of FIE projects should be providing educational services to K-12 students. For example, a project to help adults to read typically would not be eligible for an earmark under FIE unless the services were part of a family literacy project where students were the principal beneficiaries.

Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private entities.

Projects to provide and improve special education services at the elementary and secondary levels are also earmarked under FIE. Projects may include early intervention services for infants and toddlers, transition services, and postsecondary education services. Eligible entities include state education agencies, school districts, colleges and universities, and other public and private entities.

Impact Aid. As a general rule, the Impact Aid construction program is the *only* education program where school construction or renovation projects are earmarked. A limited number of such projects have been funded in the past, but only for school districts that qualify for Impact Aid payments.

Postsecondary Education

Fund for the Improvement of Postsecondary Education (FIPSE). Earmarks can be designated under this heading for a wide variety of higher education projects. Generally, projects should focus on improving access to, or the quality of, postsecondary education. Construction/renovation/wiring of academic buildings are not authorized.

Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers.

Grantees are usually colleges and universities, but can be other public and private nonprofit organizations.

REHABILITATION SERVICES

Rehabilitation Demonstration and Training Program. Rehabilitation projects to help disabled adults obtain vocational training and employment can be earmarked under the rehabilitation services demonstration and training authority.

Limitations on Education-Related Earmarking

Again, except where specifically authorized, earmarked funds cannot be used for construction (or the acquisition of property), renovation or wiring of buildings. In addition, grantees may not restrict participants based on race, ethnicity or gender. Finally, recipients of earmarked projects may not sub-grant to other organizations or agencies.

MUSEUMS AND LIBRARIES

The Labor-HHS-Education Subcommittee frequently receives requests for project earmarks to construct or renovate buildings. Health facilities are the only types of construction projects normally eligible for earmarked funding in the Labor-HHS-Education bill.

Museum and library projects are funded under the Institute for Museum and Library Services (IMLS).

Examples of eligible library projects include projects to acquire books, upgrade computers and technology, and establish education and outreach programs. A grantee for a library project must be a public library, school library, university or college library, digital library, research library, or archive.

All types of museums are eligible for funding; however, they must be operating and open to the public. Eligible museums include art, youth, general, natural history, science, and other specialized museums. Also eligible for funding are aquariums, botanical gardens, nature centers, historic houses and sites, planetariums and zoos. Performing arts centers are not eligible for IMLS funding. Examples of eligible museum projects include projects to develop new exhibits, preserve collections, and develop education and outreach programs. Funds cannot be used to plan, design or build new museums.

No library or museum construction or renovation activities (including planning, architectural design, and land acquisition preceding actual construction) are authorized. In addition, acquisition of objects for museum collections is not authorized.

NATIONAL PROJECTS

In previous years, the Labor-HHS bill provided funds for several programs that directed funding to specific entities authorized by statute. To comply with House Rules, a Member request for such a national project requires a signed letter, a request form, and Member certification.

The following is the list of National Projects that require certification:

Department of Labor	<p>Departmental Management -- International Program for the Elimination of Child Labor for the U.S. contribution to a multinational effort to combat child labor, consistent with Executive Order 12216 and the Trafficking Victims Protection Reauthorization Act of 2005</p> <p>ETA -- Appalachian Council for regional employment and training programs and career transition services for Job Corps graduates authorized under the Workforce Investment Act</p> <p>ETA -- Denali Commission for job training activities under the Denali Commission Act of 1998</p> <p>ETA -- National Center on Education and the Economy for technical assistance and policy support on national workforce development strategies authorized under the Workforce Investment Act</p> <p>ETA -- Working for America Institute for union-based and labor-management training programs authorized under the Workforce Investment Act</p> <p>Mine Safety and Health Administration -- United Mine Workers of America for mine rescue team training activities authorized under the Mine Safety and Health Act</p> <p>Occupational Safety & Health Administration -- Institutional Competency Grants under the Susan Harwood Training Program authorized under the Occupational Safety and Health Act</p>
Department of Education	<p>Higher Education -- B.J. Stupak Olympic Scholarship Program for activities authorized under the Higher Education Act</p> <p>Higher Education -- Strengthening Alaska Native and Native Hawaiian Serving Institutions Programs for activities authorized under the Higher Education Act</p> <p>Higher Education -- Thurgood Marshall Legal Scholarships Program authorized under the Higher Education Act</p> <p>Innovation and Improvement -- Arts in Education Program for model arts education and other activities authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- Close Up Fellowships Program for activities authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- Exchanges with Historic Whaling and Trading Partners Program for activities authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- National Board for Professional Teaching Standards for activities authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- National Writing Project for activities authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- Reading is Fundamental authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- Reach Out and Read authorized under the Elementary and Secondary Education Act</p> <p>Innovation and Improvement -- Teach for America authorized under the Elementary and Secondary Education Act</p> <p>Rehabilitation Services and Disability Research -- American Academy of Orthotists and Prosthetists for programs to improve the quality of orthotic and prosthetic research authorized under the Rehabilitation Services Act</p>

Safe Schools and Citizenship Education -- Civic Education Program for activities authorized under the Education for Democracy Act and a comprehensive program between the Center for Civic Education, Indiana University, and National Conference of State Legislatures to improve public knowledge, understanding, and support of the Congress and the State legislatures

School Improvement -- Alaska Native Educational Equity for activities authorized under the Elementary and Secondary Education Act

School Improvement -- Education for Native Hawaiians for activities authorized under the Elementary and Secondary Education Act

Special Education -- Recording for the Blind and Dyslexic, Inc. for development, production, and circulation of recorded educational materials as authorized under section 674(c)(1)(D) of the Individuals with Disabilities Education Act

Special Olympics -- Special Olympics for Special Olympics educational programs that can be integrated into classroom instruction and for activities to increase the participation of individuals with intellectual disabilities, as authorized under the Special Olympics Sport and Empowerment Act

Special Education -- Washington Educational Television Association for a national program to provide information on diagnosis, intervention, and teaching strategies for children with disabilities authorized under P.L. 105-78

Career and Adult Education -- Tribally Controlled Postsec. Vocational Institutions authorized under the Perkins Career and Technical Education Act

ACF -- CCDBG/Child Care Aware toll-free hotline authorized under the Child Care and Development Block Grant Act

HRSA -- Denali Commission to support health projects and economic development activities for the arctic region under the Denali Commission Act of 1998

HRSA -- Native Hawaiian Health Care to provide primary health promotion and disease prevention services to Native Hawaiians through regional clinics under the Native Hawaiian Health Care Act of 1988

Department of Health & Human Services